

REMARKS

Status of case

Claims 1-18 are pending.

Rejection under 35 U.S.C. § 112, second paragraph

Claim 14 was rejected under 35 U.S.C. § 112, second paragraph as lacking antecedent basis for "the protection plate." Applicants amend claim 14 where it is believed appropriate.

Rejection under 35 U.S.C. §§ 102, 103

Claims 1, 2, and 13 were rejected under 35 U.S.C. 102(b) as being anticipated by Kuhn (WO 00/72344 A1; and the corresponding DE 199 25 051 C2). Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn in view of Banter (U.S. Patent 6,512,834). Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn in view of Ford (U.S. Patent 5,664,015). Claims 5, 6, 9, and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn in view of Bohnke (U.S. Patent 6,546,107). Claims 7, 8, 10, 12 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn in view of Bohnke, further in view of Butler (U.S. Patent 6,288,866), and further in view of Daddis (U.S. Patent 6,029,942).

The Kuhn reference discloses a remote control for use in a bed. The remote control includes a housing 10, an earpiece 38 that generates sound, a plurality of earpiece openings 28 through which the sound travels, and a foil 42. The Kuhn reference further teaches that a membrane 42 (which the Office Action interprets as a foil) is placed between the openings 28 and the earpiece speaker 38. This is supported by the text and the figures of the Kuhn reference. Specifically, paragraph 30 of the Kuhn reference states the following:

Between the earpiece 38 and the earpiece openings 28 a water-impermeable, but water vapor-permeable membrane 42 is located with which is the earpiece openings are sealed toward the interior of the housing.

As shown in Figure 2, the earpiece openings 28 (highlighted in red) are on the exterior of the remote control, and are not being covered by anything, and the membrane 42 is in the interior of the remote control.

In contrast to the Kuhn reference, one aspect of the invention comprises a method and apparatus for a waterproof patient handset where “a foil placed on the enclosure over the holes”. Claim 1 (emphasis added); see also claims 9, 11, and 13. As discussed in the first paragraph of the summary of the invention, a “patient handset for nurse call use in hospitals must be very easy to clean. Cleaning is easiest if the handset is waterproof.” Paragraph 0003. The handset includes a speaker 16, a plurality of holes 24, and an enclosure. In order to waterproof the handset and allow easy cleaning of the handset, a foil 12 is placed on the enclosure. This is depicted in Figure 1 reproduced below with additions to highlight certain elements:

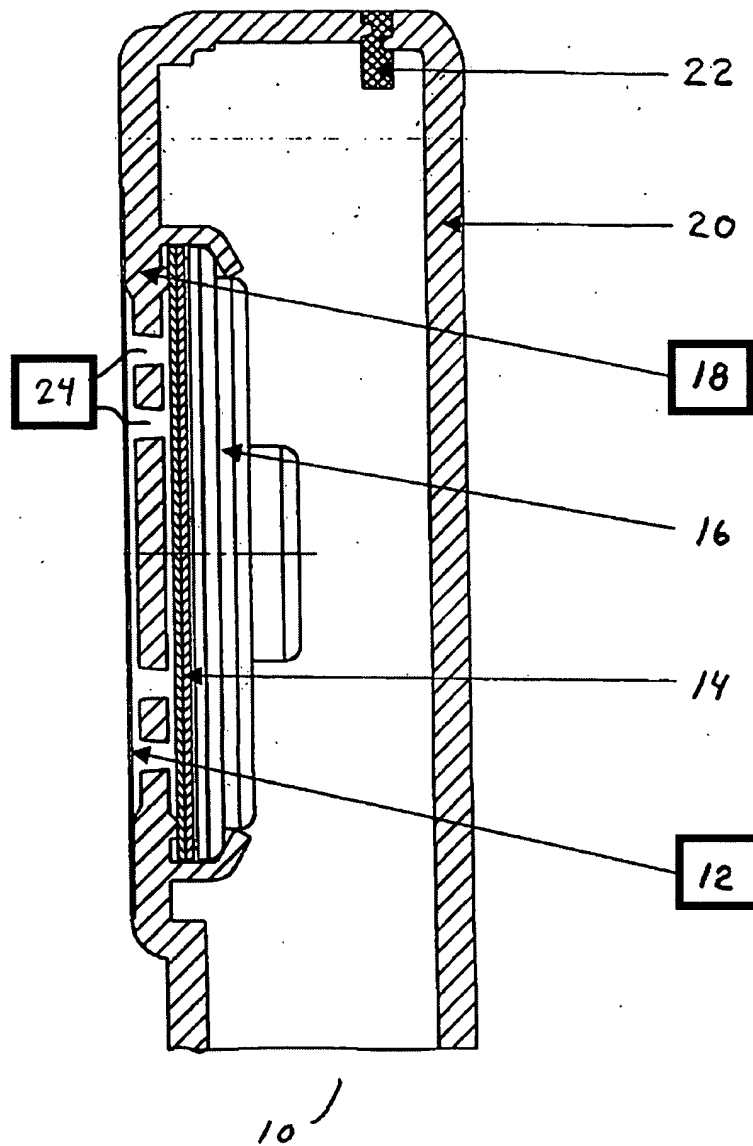


Fig. 1

As shown in the Figure, the foil 12 covers the exterior of the holes 24 (rather than the interior as taught in Kuhn). And, the foil waterproofs the handset and allows for very easy cleaning. In particular, the foil 12 placed on the enclosure allows for a smooth surface making wiping of the handset very easy. In contrast, the Kuhn reference teaches that the exterior of the enclosure has a plurality of holes 28. Food, dirt, and other debris can get stuck in the holes 28, making cleaning the

remote control in Kuhn extremely difficult. Rather than simply wiping down the remote control in Kuhn to clean the device, a person must use a toothpick or similar device to scrape the dirt that is lodged within the openings 28 in order to truly clean the remote control. This is clearly not feasible in order to truly clean the remote control in Kuhn. Thus, claims 9, 11, and 13 are patentable over the Kuhn reference.

The Banter reference teaches a cover for an interior portion of a cellphone, radio, etc. Specifically, the Banter reference shows an exterior of a cellphone in Figure 1, and an interior portion of the cellphone in Figure 2, reproduced below:

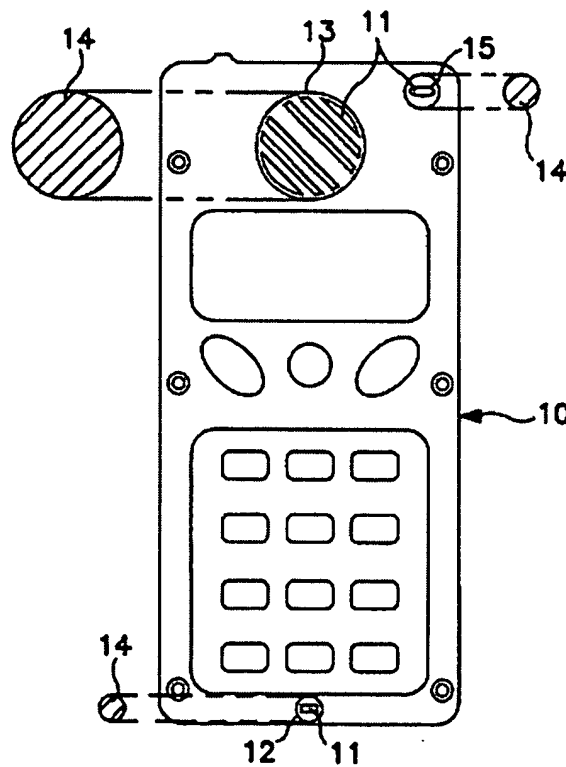


FIG. 2

Thus, Figure 2 shows “an internal view of the cellular phone front housing cover of FIG. 1”. Col. 4, lines 58-59.

Claim 3, rejected based on the combination of the Kuhn and Banter references, recites “the foil being round and being glued only at about the outer 2 to 3 mm of the foil.” Neither reference, either alone or in combination, teaches the limitations of claim 3. The Kuhn reference

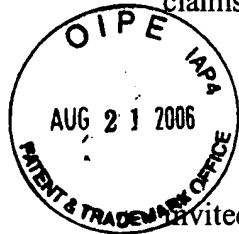
does not teach a foil on an enclosure, as discussed above. Further, the Banter reference only teaches providing a cover on the interior of the cellphone, and not on the enclosure as claimed. This is clearly shown in Figure 2 and associated text of the Banter reference. The Banter reference thus suffers from the same deficiency as the Kuhn reference – covering an interior of the holes and leaving the exterior of the holes exposed to dirt and grime. Thus, claim 3 is patentable over the cited references.

Claim 4, rejected based on the combination of the Kuhn and Ford references, recites “the enclosure having about thirty of said holes, each hole having a diameter of about 1 mm.” The Ford reference teaches a water resistant cordless phone. As clearly taught by Ford, to prevent water from entering the phone, the speaker itself is used to seal the holes in the phone. Therefore, the Ford reference fails to teach, or even suggest any use of foil (or other material) to seal the holes in the enclosure because the speaker itself seals the holes. Applicants question the combination of the Ford reference with the Kuhn reference in rejecting the remainder of the claims. The Ford reference seals the holes in the phone by abutting the speaker against the holes. Ford provides no teaching, or even a suggestion, to use another object, such as a foil, to seal the holes. In addition, since the Ford reference already teaches waterproofing with the speaker, there is no need to further waterproof the phone in the Ford reference, and therefore no motivation to combine the Ford reference with the Kuhn reference. Therefore, claim 4 is patentable over the combination of the Kuhn and Ford references.

Claims 7, 8, 10, 12, and 15 were rejected based on a combination of the Kuhn, Bohnke, Bulter, and Daddis references. The Office Action states that the Butler reference teaches “a first cover (Figure 1, #12) and a second cover (36), and the second cover (36) having at least one boss (42) engaging a PCB (26).” Office Action at para. 6. The Butler reference teaches that boss 42 receives screws to hold the disk drive 10 together. Col. 3, lines 15-23. The boss 42 does not compress at all. Rather, the Bulter reference teaches a compressible foam composition 30 that compresses. The Daddis reference teaches a “self forming isolator for a machine such as a motor or a compressor to isolate the machine during shipping and when the machine is placed in operation.” Col. 1, lines 5-8. The Office Action states that the Daddis reference teaches a plurality of ribs (35) that deform. The Daddis reference teaches that element 35 is an upper flange. Figure 5, attributed

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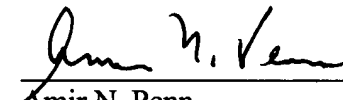
in the Office Action as teaching that upper flange 35 comprises a plurality of ribs, is a cross-section of the Daddis device and shows two sections of the continuous upper flange 35 that encircles the area through which the bolt 31 is inserted. Upper flange 35 is thus not a rib, or even a plurality of ribs, as asserted in the office action. Therefore, Applicants respectfully request that the rejection of claims 7, 8, 10, 12 and 15 be withdrawn.



SUMMARY

Applicant respectfully requests early allowance of this application. The Examiner is invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,



Amir N. Penn
Registration No. 40,767
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200